



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

To: Monroe County Planning Commission
Through: Mayté Santamaria, Senior Director of Planning & Environmental Resources
From: Barbara Bauman, Senior Planner
Date: January 11, 2017
Subject: *Beards & Brews, 5178 Overseas Highway, Stock Island, mile marker 5.0: A public hearing concerning a request for a 2COP Alcoholic Beverage Use Permit, which would allow beer and wine for sale by the drink (consumption on premises) or in sealed containers for package sales. The subject property is legally described as Lot 17 and part of Lot 16, Sun Krest subdivision (Plat Book 1, Page 107), Stock Island, Monroe County, Florida, having real estate number 00132560-000000. (File # 2016-112)*

Meeting: January 25, 2017

I REQUEST:

The applicant, Victoria Castellanos of Beards & Brews, LLC, requests approval of a 2COP Alcoholic Beverage Use Permit, which would allow beer and wine for sale by the drink (consumption on premises) or in sealed containers for package sales, for clients use at Beards & Brews barber shop.



Subject Property with Land Use Districts Overlaid (Aerial dated 2015)

II BACKGROUND INFORMATION:

Location / Address: 5178 Overseas Highway (US1), Stock Island, Mile Marker 5.0, oceanside

Legal Description: Lot 17 and part of Lot 16, Sun Krest subdivision (Plat Book 1, Page 107), Stock Island, Monroe County, Florida

Real Estate Number: 00132560-000000

Applicant/Agent: Victoria Castellanos of Beards & Brews, LLC

Property Owner: Grossman Family Limited Liability LP

Size of Site: 7,000 square feet (0.16 acres) per Monroe County Property Appraiser

Land Use District: Mixed Use (MU)

Future Land Use Map (FLUM) Designation: Mixed Use/Commercial (MC)

Tier Designation: III Infill Area

Existing Use: Commercial retail

Existing Vegetation / Habitat: Developed/scarified

Community Character of Immediate Vicinity: Uses within 500 feet include mixed use commercial, retail, light industrial, automobile and boat repair, golf club, apartment and native area land.

Flood Zone: AE-EL 9

III RELEVANT PRIOR COUNTY ACTIONS:

According to the Monroe County Property Appraiser's property record card, the existing two (2) story mixed-use building was built in 1963 and consists of two (2) commercial retail areas of 1,938.5 square feet each for a total of 3,877 square feet, and a second level apartment of 1,862 square feet. Staff did not locate building permits for the original structure; however, various permits issued since 1975 were for commercial uses including a variety of retail sales and an ice cream shop. Currently, the ground level building is occupied by two (2) businesses, the barber shop as well as a sign shop. No prior ROGO Exemption or Letter of Development Rights Determination was found regarding the amount of lawfully existing residential dwelling units or nonresidential floor area.

A prior Alcoholic Beverage Use Permit issued by the County could not be found.

On July 13, 2016, Victoria Castellanos submitted the subject Alcoholic Beverage Use Permit application.

IV REVIEW OF APPLICATION:

Pursuant to Section 3-6(e) of the Monroe County, Florida, Code of Ordinances (the "Code"), the Planning Commission shall give due consideration to the following factors as they may apply to the particular application prior to rendering its decision to grant or deny the requested permit:

1 (1) *The effect of such use upon surrounding properties and the immediate neighborhood as*
2 *represented by property owners within 500 feet of the premises. For the purposes of this*
3 *section, the term "premises" means the entire project site of a shopping center:*
4

5 The existing use is commercial retail for a barber shop called Beards & Brews.
6 Surrounding properties within 500 feet of the premises include mixed uses, commercial
7 retail, light industrial, auto and boat repair, equipment rentals, restaurants, a bar, tattoo
8 parlors, a golf course, residential and undeveloped land.
9

10 The following businesses within 500 feet of the subject premises have active, current
11 alcoholic beverage licenses:
12

Surrounding Property	Business Type	License Type
Hurricane Hole	Restaurant and Bar	6COP
Stock Island Chevron	Gas Station & Food Mart	1APS
Chico's Cantina	Restaurant	2COP

13
14 Staff does not anticipate that approval of the requested 2COP Alcoholic Beverage Use
15 Permit would have an adverse effect on surrounding properties or on the immediate
16 neighborhood, particularly given the subject and surrounding properties' location in an
17 established mixed use commercial corridor along U.S. 1.
18

19 Please note that no members of the community, either in support of or opposition to the
20 application have contacted the Planning and Environmental Resources Department as of
21 the date of this report.
22

23 IN COMPLIANCE

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25 (2) *The suitability of the premises in regard to its location, site characteristics and intended*
26 *purpose. Lighting on the permitted premises shall be shuttered and shielded from*
27 *surrounding properties, and construction of such permitted properties shall be*
28 *soundproofed. In the event music and entertainment are permitted, the premises shall be*
29 *air conditioned:*
30

31 The barber shop proposes to sell beer and wine to its clients while they are waiting for
32 their appointment or having their hair/beards cut. There would be no table service or
33 designated seating area.
34

35 Given the property's location within the Mixed Use (MC) Land Use District, which
36 permits commercial retail uses, and that the building has been used for commercial retail
37 since 1975, the subject premises would be suitable.
38

39 Lighting on the premises is subject to the Monroe County Land Development Code
40 (LDC). If necessitated by a future substantial improvement or a change of use, any
41 nonconforming lighting would have to be brought into compliance to the maximum

1 extent practical pursuant to Code Section 102-59. Any new outdoor lighting installed in
2 the future would be subject to Code Chapter 114, Article VI.

3
4 No music or entertainment is proposed by the applicant.

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6 IN COMPLIANCE

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8 *(3) Access, traffic generation, road capacities, and parking requirements:*

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10 No changes to access or parking are proposed by the applicant as part of the subject
11 application, and none would be required by the LDC at this time. The proposed
12 commercial retail use is not anticipated to have an impact on traffic generation or road
13 capacities due to the use being the same use as currently approved and allowed on the
14 property. If necessitated by a future substantial improvement or a change of use, any
15 nonconforming parking and access would have to be brought into compliance to the
16 maximum extent practical pursuant to Code Section 102-59.

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18 IN COMPLIANCE

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20 *(4) Demands upon utilities, community facilities and public services:*

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22 It is not anticipated that the issuance of the requested 2COP Alcoholic Beverage Use
23 Permit would increase demands upon any utilities, community facilities or public
24 services.

25
26 IN COMPLIANCE

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28 *(5) Compliance with the county's restrictions or requirements and any valid regulations:*

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30 As of the date of this report, there are no open code compliance cases related to the
31 property.

32
33 IN COMPLIANCE

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35 **V RECOMMENDATION:**

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37 Staff recommends APPROVAL to the Planning Commission of the requested 2COP
38 Alcoholic Beverage Use Permit that would allow the sale of beer and wine by the drink
39 (consumption on premises) or in sealed containers for package sales, with the following
40 conditions (however, valid objections from surrounding property owners at the public
41 hearing may lead the Planning and Environmental Resources Department to reevaluate the
42 recommendation or suggested conditions):

- 43
44 1. Alcoholic Beverage Use Permits issued by virtue of Section 3-6 of the Monroe County
45 Code shall be deemed to be a privilege running with the land. The sale of the real
46 property that has been granted an Alcoholic Beverage Use Permit shall automatically vest

1 the purchaser thereof with all rights and obligations originally granted or imposed to or
2 on the applicant. Such privilege may not be separated from the fee simple interest in the
3 realty.
4

- 5 2. Alcohol service sales and consumption shall occur only within areas allowed for such use
6 and approved by the Monroe County Planning & Environmental Resources Department.
7 Specifically, this approval shall apply only to the existing commercial retail space,
8 occupied by the barber shop.
9

- 10 3. In the event that the holder's license by the Florida Department of Business and
11 Professional Regulation (DBPR) expires and lapses, this Alcoholic Beverage Use Permit
12 approval shall be null and void as of the date of the DBPR license expiration. Additional
13 approval by the Planning Commission shall be required to renew the Alcoholic Beverage
14 Use Permit.
15

16 **ATTACHMENTS:**
17

18 Attachment 1: Monroe County Code Section 3-6, Regulation and control over sale

Monroe County Code – Chapter 3, Alcoholic Beverages**Sec. 3-6. - Regulation and control over sale [of alcoholic beverages].**

- (a) *Establishment of use permit procedure.* This section is designed and intended to provide for reasonable regulation and control over the sale of alcoholic beverages within the unincorporated areas of the county by establishing an alcoholic beverage use permit procedure and providing criteria to be used to ensure that all future proliferation of alcoholic beverage use enterprises within the unincorporated areas of the county be compatible with adjoining and surrounding land uses and the county's comprehensive plan, and that alcoholic beverage use permits not be granted where such uses will have an adverse impact upon the health, safety and welfare of the citizens and residents of the county. All persons, firms, partnerships or corporations who have received approval from the zoning board or board of county commissioners under the former provisions of section 19-218 of the Monroe County Code, as same heretofore existed, shall retain all rights and privileges heretofore granted under such section.
- (b) *New applicants for permit.* All persons desiring to sell alcoholic beverages upon any premises located within the unincorporated areas of the county and who desire to do so upon a premises not heretofore approved by the zoning board or board of county commissioners under the former section 19-218, shall obtain an alcoholic beverage use permit using the procedure outlined in subsection (d) of this section.
- (c) *Classifications.* Corresponding to those alcoholic beverage license classifications as heretofore and hereafter adopted by the state, alcoholic beverage use permits hereafter issued pursuant to this chapter shall be classified as follows:
 - (1) 1APS: Beer, package only;
 - (2) 1COP: Beer, on-premises and package;
 - (3) 2APS: Beer and wine, package only;
 - (4) 2COP: Beer and wine, on-premises and package;
 - (5) 6COP: Beer, wine and liquor, on-premises and package;
 - (6) 6COP SRX: Restaurant, no package sales;
 - (7) 6COP SR: Restaurant, package sale;
 - (8) 6COP S: Motel, package sales;
 - (9) 6COP SBX: Bowling, no package sales;
 - (10) 6COP SPX: Boat, no package sales;
 - (11) 3BPS: Beer, wine and liquor, package sales only;
 - (12) 3M: Additional license for 6COP, over three bars; and
 - (13) 12RT: Racetrack, liquor, no package sales.
- (d) *Procedure.* The following procedure shall be followed on any application for an alcoholic beverage use permit hereafter made:
 - (1) Applications for alcoholic beverage use permits shall be submitted to the director of planning in writing on forms provided by the director. Such applications must be signed by the owner of the real property for which the permit is requested. Lessees of the premises may apply for such permits, provided that proper authorization from the owner of the premises is given and the application for permit is cosigned by such owner.
 - (2) Upon receipt of a properly completed and executed application for an alcoholic beverage use permit stating the exact classification requested along with the necessary fee, the director of planning shall schedule a public hearing before the planning commission and shall advise the applicant of the date and place of the public hearing.
 - (3) Notice of the application and of the public hearing thereon shall be mailed by the director of planning to all owners of real property within a radius of 500 feet of the affected premises. In the case of a shopping center, the 500 feet shall be measured from the perimeter of the entire shopping center itself rather than from the individual unit for which approval is sought. Notice shall also be provided in a newspaper of general circulation in the manner prescribed in section 110-5. For the purposes of this section, the term "shopping center" means a contiguous group of individual units, in any combination, devoted to commercial retail low-intensity uses,

Attachment 1

commercial retail medium-intensity uses, commercial retail high-intensity uses, and office uses, as those phrases are defined in section 101-1, with immediate off-street parking facilities, and originally planned and developed as a single project. The shopping center's single project status shall not be affected by the nature of the ownership of any of the individual office or commercial retail units, within the shopping center.

- (4) At the hearing before the planning commission, all persons wishing to speak for or against the application shall be heard. Recommendations or other input from the director of planning may also be heard prior to any decision by the planning commission.
- (e) *Criteria.* The planning commission shall give due consideration to the following factors as they may apply to the particular application prior to rendering its decision to grant or deny the requested permit:
 - (1) The effect of such use upon surrounding properties and the immediate neighborhood as represented by property owners within 500 feet of the premises. For the purposes of this section, the term "premises" means the entire project site of a shopping center;
 - (2) The suitability of the premises in regard to its location, site characteristics and intended purpose. Lighting on the permitted premises shall be shuttered and shielded from surrounding properties, and construction of such permitted properties shall be soundproofed. In the event music and entertainment are permitted, the premises shall be air conditioned;
 - (3) Access, traffic generation, road capacities, and parking requirements;
 - (4) Demands upon utilities, community facilities and public services; and
 - (5) Compliance with the county's restrictions or requirements and any valid regulations.
- (f) *Approval by planning commission.* The planning commission may grant approval based on reasonable conditions considering the criteria outlined herein.
- (g) *Where permitted.* Alcoholic beverage use permits may be granted in the following land use districts: urban commercial; suburban commercial; suburban residential where the site abuts U.S. 1; destination resort; mixed use; industrial and maritime industries. Notwithstanding the foregoing, alcoholic beverage sales may be permitted at restaurants, hotels, marinas and campgrounds regardless of the land use district in which they are located. Nothing contained herein shall exempt an applicant from obtaining a major or minor conditional use approval when such is otherwise required by the county development regulations in part II of this Code.
- (h) *Transferability.* Alcoholic beverage use permits issued by virtue of this section shall be deemed to be a privilege running with the land. The sale of the real property that has been granted an alcoholic beverage use permit shall automatically vest the purchaser thereof with all rights and obligations originally granted or imposed to or on the applicant. Such privilege may not be separated from the fee simple interest in the realty.
- (i) *Appeals.* All persons aggrieved by the actions of the planning commission in granting or denying requested alcoholic beverage permits may request an appeal hearing before a hearing officer under chapter 102, article VI, division 2 by filing the notice required by that article within 30 days after the date of the written decision of the planning commission.
- (j) *Successive applications.* Whenever any application for alcoholic beverage approval is denied for failure to meet the substantive requirements of these regulations, an application for alcoholic beverage approval for all or a portion of the same property shall not be considered for a period of two years unless a super-majority of the planning commission decides that the original decision was based on a material mistake of fact or that there exists changed conditions and new facts, not existing at the time of the original decision, that would justify entertaining a new application before the expiration of the two-year period. However, in the case of a shopping center, as defined in subsection (d)(3) of this section, this subsection shall only apply to the commercial retail unit within the shopping center for which approval was sought and not the entire shopping center site itself.

(Code 1979, § 19-218; Ord. No. 1-1973, § 1(art. XI, § 5); Ord. No. 5-1974, § 27; Ord. No. 20-1975, § 67; Ord. No. 29-1978, § 1; Ord. No. 5-1979, § 1; Ord. No. 17-1980, § 12; Ord. No. 4-1985, §§ 1, 2; Ord. No. 39-1986, § 2; Ord. No. 55-1987, §§ 1—3; Ord. No. 19-1993, § 14)